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10/018,299	12/14/2001	Jerold I. Zwas	60,425-012	4890

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EXAMINER

KE, PENG

ART UNIT PAPER NUMBER

2174

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/018,299

Applicant(s)

ZWAS, JEROLD I.

Examiner

Peng Ke

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This action is responsive to communications: Amendment, filed on 12/01/04.

This action is final.

Claims 1-5, 7-20 are pending in this application. Claims 1 and 5 are independent claims. In the Amendment, filed on 12/01/04, claim 5 is amended, claim 6 is canceled, and claims 7-20 are added.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 4, 7-9, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Buch et al., U.S. Patent No. 6,463,468.

As per claim 1, Buch teaches a computer including an application window containing first information and having an associated utility bar and/or menu bar, an information window integrated into the utility bar and/or menu bar (see Buch, figure 4, item 406; figure 8, item 802; col. 10, lines 60-68; Examiner interprets the item “Recent Ads” to be a menu bar) and displaying second information independently of the first information displayed in the application window

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(see Buch, figure 4, item 404, column 3, lines 3 – 12 and column 7, lines 1 – 4; Because the menu bar is separated from the main window, the information in the menu bar is displayed independently from the main window).

As per claim 2, which is dependent on claim 1, Buch teaches the method of claim 1 (see rejection above). Buch further teaches the computer of claim 1 wherein the application window is for navigating a computer network (see Buch, column 6, lines 56 – 61) and wherein the information window displays information independently of a node on the computer network currently being visited by the computer program (see Buch, column 3, lines 3 – 12).

As per claim 3, which is dependent on claim 2, Buch teaches the method of claim 2 (see rejection above). Buch further teaches the computer of claim 2 wherein information displayed in the information window is received via a computer network (see Buch, column 2, line 67 – column 3, line 3).

As per claim 4, which is dependent on claim 3, Buch teaches the method of claim 3 (see rejection above). Buch further teaches the computer of claim 3 wherein the information displayed in the information window includes a hot link to a node on the computer network.

As per claim 7, Buch teaches the computer of claim 1. Buch further teaches the method wherein the application window is a main application window below the utility bar and/or menu bar. (figure 4, item 404)

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As per claim 8, Buch teaches the computer of claim 7. Buch further teaches the method wherein the information window is disposed above the main application window. (figure 4, item 804)

As per claim 9, Buch teaches the computer of claim 7. Buch further teaches the method wherein the information window is vertically space from the main application window (figure 4, items, 804, item 404)

As per claim 13, Buch teaches the computer of claim 1. Buch further teaches the method wherein the information window is integrated at least partially in the menu bar. (figure, 4, item 408)

Claims 5, 14-16, 18, 19 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Moraes, U.S. Patent No. 6,014,502.

As per claim 5, Moraes teaches a method for sending information on a computer network including the steps of:

a) compiling personal profiles for each of a plurality of subscribers (see Moraes, column 5, lines 3 – 12);

b) receiving a plurality of notices via the computer network, each notice including associated interest criteria (see Moraes, column 20, lines 37 - 56);

c) comparing each interest criteria with each personal profile (see Moraes, column 20, lines 3 – 12); and

d) selectively sending the plurality of notices via the computer network to the plurality of subscribers based upon said step c) (see Moraes, column 5, lines 18 – 23).

e) displaying at least one of the notices in an information window integrated into a utility bar and/or menu bar of a computer application and displaying second information in an associated application window independently of the displayed notice (see Moraes, figure 8, items 800 and 824, column 16, lines 65 – 67 and column 19, lines 50 – 53).

Claims 6 is cancelled

As per claim 14, Moraes teaches the computer of claim 5. Moraes further teaches the method wherein the application window is a main application window below the utility bar and/or menu bar. (figure 10, item 1001)

As per claim 15, Moraes teaches the computer of claim 5. Moraes further teaches the method wherein the information window is disposed above the main application window. (figure 10, item 800)

As per claim 16, Moraes teaches the computer of claim 5. Moraes further teaches the method wherein the information window is vertically space from the main application window (figure 10, items, 800, item 1001)

As per claim 18, Moraes teaches the computer of claim 5. Moraes further teaches the method wherein the utility bar includes a plurality of buttons. (figure 10, item “cancel”)

As per claim 19, Moraes teaches the computer of claim 5. Moraes further teaches the menu bar includes a plurality of menu items. (figure 10, items “files”, “edit”, “features”, “option”, and “exit”)

As per claim 20, Moraes teaches the computer of claim 5. Moraes further teaches the method wherein the information window is integrated at least partially in the menu bar. (figure 10, item 800)

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-12, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buch et al., U.S. Patent No. 6,463,468 in view of Moraes, U.S. Patent No. 6,014,502.

As per claim 10, Buch teaches the computer of claim 9. However, Buch fails to teach the method wherein the application window is a browser and wherein the second information is obtained from a website.

Moraes teaches a method wherein the application window is a browser and wherein the second information is obtained from a website. (figure 10, items 800 and 821; col. 20, lines 6-34)

It would have been obvious to an artisan at the time of the invention to include Moraes' teaching with method of Buch in order to provide user with a system that allows user to browser the web page of an user selected advertisement.

As per claim 11, Buch and Moraes teach the computer of claim 10. Moraes further teaches the computer wherein the utility bar includes a plurality of button. (figure 10, items 801 and 802)

As per claim 12, Buch and Moraes teach the computer of claim 11. Moraes further teaches the computer wherein the menu bar includes a plurality of menu items. (figure 10, item "files", "edits"...)

As per claim 17, it is of the same scope as claim 10. (Supra)

***Response to Argument***

Applicant's arguments filed on 12/1/04 have been fully considered but they are not persuasive.

Applicant's arguments focused on the following:

1) Buch fails to teach integrated into the utility bar and/or menu bar a viewer window.

1) Examiner disagrees. During patent examination, the pending claims must be "given \*>their< broadest reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969) In this case, the claims recites "an information window integrated into the utility bar and/or menu bar", and Buch teaches this limitation because information regarding the content of the main window (figure 8, item "1999, Apex products...") is displayed in the menu bar (802) of figure 8.

2) The banner of the advertisements is not integrated into a utility and/or menu bar.

2) Examiner disagrees. Moraes teaches a method where the banner of the advertisements is integrated into a utility and/or menu bar. Areas of 801, 802, and 800 in figure 10 are parts of a menu bar, because items 801 and 802 allow user to switch between a read option and a write option. Furthermore, the advertisement window 800 is integrated into the menu bar because the window is placed in the same area as the other menu options. (figure 10, item 801, 802, and 800)



***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (571) 272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peng Ke

A handwritten signature in black ink, appearing to be 'Peng Ke', located in the lower right quadrant of the page.